



Security Council

Distr.: General
1 April 2004
English
Original: French

Letter dated 31 March 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you herewith the text of a communication dated 17 March 2004 which I have received from the Chairperson of the Commission of the African Union (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(Signed) Kofi A. Annan



Annex**Letter dated 17 March 2004 from the Chairperson of the Commission of the African Union addressed to the Secretary-General**

[Original: English]

You will recall that, on 2 April 2003, the Central Organ of the African Union Mechanism for Conflict Prevention, Management and Resolution mandated the deployment, for one year, of the African Mission in Burundi (AMIB), pending the deployment of a United Nations-mandated peacekeeping force. In taking that decision, the Central Organ was guided by the urgent need to consolidate the peace process in Burundi, following the signing of the October and December 2002 ceasefire agreements between the Transitional Government of Burundi and most of the Burundian armed groups.

Since then, significant progress has been made in the search for peace in Burundi, including the comprehensive power-sharing agreement endorsed by the Dar es Salaam Regional Summit of November 2003. While the challenges that lie ahead are enormous, there is today a unique window of opportunity to end the long-running conflict in Burundi. This process has been greatly facilitated by the African Mission in Burundi.

I should like to inform you that the achievements made so far in Burundi, particularly in the area of confidence-building, have been remarkable in spite of the fact that AMIB is confronted with severe financial and logistical constraints, which have made it difficult for the Mission to operate at its optimal level. As the Mission enters its eleventh month, the funds mobilized or pledged so far amount to only about 28 per cent of its total budget, this in spite of the persistent efforts by the Commission to mobilize resources for the Trust Fund set up for that purpose.

It is against this background, and as the mandate of AMIB draws to its end, that I would like to emphasize our firm conviction that the time has come for the United Nations to fully assume its responsibilities, through the deployment of a United Nations peacekeeping mission, as envisaged in the ceasefire agreements referred to above. Such a deployment will not only enhance the peace process in Burundi but also provide momentum to the efforts to achieve security and stability, as well as development in Burundi and the region as a whole.

I should like to inform you that it was this conviction that informed the special appeal to the United Nations Security Council, made at the just concluded session of the African Union Executive Council, convened in Addis Ababa, Ethiopia, on 15 and 16 March 2004, a copy of which is herewith attached for your consideration and necessary action (see enclosure).

Knowing your commitment to the search for peace in Africa and the tireless efforts you have deployed in support of the ongoing peace process in Burundi, and elsewhere on the continent, I am persuaded by the realization that you will do your utmost to facilitate the attainment of our common objective in Burundi by impressing upon and securing a decision by the United Nations Security Council to deploy United Nations peacekeeping forces in that country.

I would appreciate it if the contents of this letter could be brought to the attention of the President of the Security Council for the month of March and circulated as a document of the Security Council.

(Signed) Alpha Oumar **Konaré**

Enclosure

Appeal of the Executive Council of the African Union on Burundi

16 March 2004

The Executive Council of the African Union, meeting in its fourth ordinary session in Addis Ababa, Ethiopia, on 15 and 16 March 2004, examined the situation and the evolving developments in Burundi.

The Council welcomed the remarkable progress achieved in the search for lasting peace in that country.

It took note, with satisfaction, of the conclusion of the Pretoria Protocols of 8 October and 2 November 2003, respectively, as endorsed by the Dar es Salaam Regional Summit of 16 November 2003, as well as the significant improvement in the security situation in the country. It reiterated its urgent appeal to Agathon Rwasa's faction of PALIPEHUTU-FNL to end its attacks and join in the peace process.

The Council underscored the crucial role played by the African Mission in Burundi (AMIB) in the consolidation of the peace process in the country.

It recalled that the deployment of AMIB was authorized by the Central Organ on 2 April 2003, pending the deployment of a United Nations peacekeeping force, in pursuance of the ceasefire agreements signed in October and December 2002, respectively.

The Council expressed its profound gratitude to the troop-contributing countries — South Africa, Ethiopia and Mozambique — and to the countries that provided military observers.

It recalled the visit of the Deputy President of South Africa, Jacob Zuma, to New York, in December 2003, to brief the United Nations Security Council on developments in the peace process, and believes that it is time for the United Nations to fully assume its responsibility. To this end, the Council urged the United Nations Security Council to authorize, as early as possible, the deployment of a peacekeeping force in Burundi.

The Council made an urgent appeal to member States and the international community at large to provide financial and logistics support to backstop the activities of the African Mission in Burundi. It expressed its sincere gratitude to the partners of the African Union and to the member States which had already lent support to AMIB.



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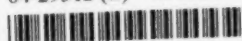
Original: English

Letter dated 26 March 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the Gambella region, issued on 25 March 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Richard Ryan
Permanent Representative of Ireland to the United Nations



Annex to the letter dated 26 March 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the Gambella region issued on 25 March 2004 by the Presidency on behalf of the European Union

The European Union wishes to express its concern at the sporadic but persistent outbreaks of extreme violence in the Gambella region of Ethiopia, which have resulted in hundreds of deaths over recent months. While noting the actions taken by the Government of Ethiopia to stabilize the area, the European Union emphasizes the need for government security forces and military to act in an impartial and lawful manner if tensions between the various ethnic groups in the region are to be reduced. The European Union calls for a public and independent inquiry into suggestions of involvement by members of the Ethiopian military in violence directed against innocent civilians.

The European Union notes the ethnic dimension to the violence and calls upon the Government of Ethiopia to work with traditional leaders, non-governmental organizations and local church groups to heal divisions between Anuaks and highlanders, and to re-establish trust and stability in Gambella.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria, Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

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Report of the Secretary-General pursuant to Security Council resolution 1478 (2003) regarding Liberia**I. Introduction**

1. In paragraph 1 of its resolution 1478 (2003) of 6 May 2003, the Security Council decided that the Government of Liberia had not complied fully with the demands set out in resolution 1343 (2001), in which the Council had demanded that the Government of Liberia immediately cease its support for the Revolutionary United Front (RUF) in Sierra Leone and for other armed rebel groups in the region, and in particular that it take the following concrete steps:

(a) Expel all members of RUF from Liberia, including such individuals as are listed by the Committee established by paragraph 14 of the resolution, and prohibit all activities of RUF on its territory, provided that nothing in the present paragraph shall oblige Liberia to expel its own nationals from its territory;

(b) Cease all financial and, in accordance with resolution 1171 (1998), military support to RUF, including all transfers of arms and ammunition, all military training and the provision of logistical and communications support, and take steps to ensure that no such support is provided from the territory of Liberia or by its nationals;

(c) Cease all direct or indirect import of Sierra Leone rough diamonds not controlled through the certificate-of-origin regime of the Government of Sierra Leone, in accordance with resolution 1306 (2000);

(d) Freeze funds or financial resources or assets made available by its nationals or within its territory or indirectly for the benefit of RUF or entities owned or controlled directly or indirectly by RUF;

(e) Ground all Liberia-registered aircraft operating within its jurisdiction until it updates its register of aircraft pursuant to annex VII to the Chicago Convention on International Civil Aviation of 1944 and provides to the Council the updated information concerning the registration and ownership of each aircraft registered in Liberia.

2. In paragraph 20 of resolution 1478 (2003), the Council requested me to submit a report by 21 October 2003, and thereafter at six-monthly intervals from that date, drawing on information from all relevant sources, including the United Nations Peace-building Support Office in Liberia (UNOL), the United Nations Mission in



Sierra Leone and the Economic Community of West African States, on whether Liberia had complied with the demands referred to in paragraph 1 above.

3. On 6 November 2003, I addressed a letter to the President of the Security Council informing him that, because of the prevailing situation in Liberia, which had necessitated the evacuation of United Nations personnel, it had not been possible to gather the information needed to prepare the report and advising of the need to defer the submission of that report until early 2004, in order to allow the United Nations Mission in Liberia (UNMIL) and the National Transitional Government ample time to gather the requisite information and to conduct an assessment of the new circumstances on the ground, with a view to providing inputs that would enable me to prepare the report.

II. The dissolution of the Charles Taylor Government in Liberia

4. Since my report of 22 April 2003 (S/2003/466), which was issued pursuant to Security Council resolution 1408 (2002), there have been significant developments in Liberia. On 4 June 2003, the Special Court for Sierra Leone unsealed its indictment against the President of Liberia, Charles Taylor. The indictment was accompanied by a warrant for his arrest and an order for his transfer and detention. On 11 August 2003, President Charles Taylor resigned his office and flew to Nigeria following an offer of asylum by the Government of Nigeria, which was predicated on his non-involvement in Liberian politics.

5. On 18 August 2003, the Government of Liberia, the Liberians United for Reconciliation and Democracy (LURD), the Movement for Democracy in Liberia (MODEL) and other Liberian political parties signed, at Accra, a Comprehensive Peace Agreement, which made provision for the permanent cessation of hostilities, for disarmament, demobilization, rehabilitation and reintegration, security sector reform, restructuring of the security forces, release of prisoners and abductees, human rights and humanitarian issues, settlement of disputes, electoral reform, establishment of a transitional government and credible elections in October 2005. The signatories to the Agreement designated Vice-President Moses Blah to head the Government of Liberia for an interim period, until 14 October 2003. Thereafter, an all-inclusive transitional government, the National Transitional Government of Liberia, would replace the Government of Liberia, with a mandate scheduled to commence on 14 October 2003 and to expire in January 2006, when the next elected Government of Liberia would be sworn into office.

6. By resolution 1509 (2003), the Security Council established the United Nations Mission in Liberia, whose mandate includes supporting the implementation of the ceasefire agreement signed by the Liberian parties on 17 June 2003; providing support for security sector reform; facilitating humanitarian and human rights assistance; and supporting the implementation of the peace process. In view of the establishment of UNMIL, I informed the President of the Security Council in my letter dated 16 September 2003 (S/2003/899) that I intended to terminate the mandate of UNOL.

III. The dissolution of the Revolutionary United Front

7. Following the completion of the initial stages of the disarmament programme in Sierra Leone early in 2002, the Revolutionary United Front's military structure was extensively dismantled. With the encouragement of the international community and other interested stakeholders, RUF officially announced its transformation into a political party, the Revolutionary United Front Party (RUFPP), so that it could participate in the country's general elections in May 2002. During the pre-electoral period, constant disagreements between the leadership and the rank-and-file combatants contributed to eroding the organizational cohesion of RUF, which had already been significantly weakened by the disarmament and demobilization process. There were sharp divisions among the cadres over the participation of RUFPP in the elections and its presidential candidate.

8. Throughout the period leading up to the elections, RUFPP claimed financial hardship and consistently requested monetary and material assistance from the international community in order to participate in the elections. As a result of its apparent state of penury and poor organizational abilities, RUFPP was unable to launch an effective election campaign. Moreover, apart from not having a popular following, the party received little support from its members, many of whom were disillusioned over perceived corruption within the leadership. By the time of the elections, many of the disenchanted had abandoned RUFPP. As a result of these and other factors, RUFPP failed to win a single seat in Parliament. Immediately following the elections, RUFPP closed some of its main offices in the districts, citing financial difficulties. In addition, the Secretary-General of RUFPP, Paolo Bangura, who was also its nominated presidential candidate, resigned from the party on 13 August 2002.

9. Five of the key former members of RUF, Foday Sankoh, Sam "Mosquito" Bockarie, Issa Sesay, Morris Kallon and Augustine Gbao, were indicted by the Special Court between 10 March and 4 June 2003. Three are currently under arrest and awaiting trial by the Special Court. Sam "Mosquito" Bockarie was killed in Liberia early in May 2003, while Foday Sankoh died in prison on 30 July 2003.

10. Reports indicate that, following the completion of disarmament in Sierra Leone, former fighters of RUF and the Civil Defence Forces were recruited to fight in Liberia on behalf of the forces of the Government of Liberia or LURD. Among these "soldiers for hire", was a group of ex-RUF fighters led by Sam Bockarie and maintained by Charles Taylor. Since the death of Sam Bockarie and the disintegration of the Charles Taylor Government, the situation of those combatants has changed considerably. As it stands, any remaining RUF elements that fought alongside Taylor's forces would probably be disarmed, demobilized and repatriated to Sierra Leone under the disarmament, demobilization, rehabilitation and reintegration programme provided for in the Comprehensive Peace Agreement and referred to in paragraph 5 above. The Government of Sierra Leone and the National Transitional Government of Liberia are being encouraged to coordinate their actions closely in order to ensure that the ex-combatants are repatriated, resettled and reintegrated into their respective communities. As members of the Council are aware, preparations are currently under way to resume the disarmament, demobilization, rehabilitation and reintegration programme in Liberia. The programme was initially launched in December 2003, but was suspended after it encountered difficulties. In the meantime, consultations are ongoing between the

Governments of Sierra Leone and Liberia to determine the most effective way of dealing with foreign combatants located in their territories.

IV. Observations

11. It will be recalled that the *raison d'être* for the demands in paragraph 2 of resolution 1343 (2001) was the need to help to consolidate and ensure peace and stability in Sierra Leone and to build and strengthen peaceful relations among the countries of the region. Since the adoption of that resolution, significant strides have been made in the consolidation of peace in Sierra Leone, as noted by the Security Council in its resolution 1521 (2003). In addition, the Liberian peace process has progressed as a result of the departure of Charles Taylor, and the Ivorian peace process, which has also been affected by the ongoing conflicts in the subregion, is advancing.

12. Noting the changed circumstances referred to above, the Security Council in resolution 1521 (2003) revised the legal basis of its sanctions measures concerning Liberia to reflect the new reality on the ground. The benchmarks for lifting the new sanctions are not linked to the demands contained in paragraph 2 of resolution 1343 (2001). Furthermore, the Council agreed not to renew the prohibition against the import of rough diamonds from Sierra Leone not controlled by the certificate-of-origin regime, thus making the demand contained in paragraph 2 (c) of resolution 1343 (2001) obsolete. In view of the above, my intention would be to make this my final report pursuant to paragraph 20 of resolution 1478 (2003). I will have the opportunity to submit a report to the Council, by 30 May 2004, on progress made towards the revised benchmarks for the lifting of sanctions, in accordance with paragraph 26 of resolution 1521 (2003).



Security Council

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2 April 2004

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Letter dated 1 April 2004 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the commentary of the Ministry of Foreign Affairs of Ukraine on the statement by the Irish Presidency on behalf of the European Union on media freedom and democratic standards in Ukraine (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Valeriy Kuchynsky
Ambassador
Permanent Representative



Annex to the letter dated 1 April 2004 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Commentary of the Ministry of Foreign Affairs of Ukraine on the statement by the Irish Presidency on behalf of the European Union on media freedom and democratic standards in Ukraine

Ukraine took note of the statement by the Irish Presidency on behalf of the European Union on media freedom and democratic standards in Ukraine issued on 18 March 2004 and distributed on 25 March 2004 as a document of the Security Council — S/2004/246. The authorities of Ukraine always keep in sight the issues raised by the European Union. A testimony of that is the fact that the President of Ukraine, Leonid Kuchma, on 15 March 2004 decreed a moratorium on inspections of the media during the Presidential election campaign. On 16 March 2004 the Verkhovna Rada (Parliament) of Ukraine adopted the Decree on "Ensuring the unimpeded work of media during the pre-election period in 2004".

A constructive dialogue on ensuring media freedom continues between the authorities and non-governmental organizations. In this regard, one can point to the agreement between the State Tax Administration of Ukraine and the Institute of Mass Information, which represents the well-known international human rights non-governmental organization, Reporters Without Borders.

Incidents with the media that were mentioned in the statement have either commercial or legal character and are not within the purview of the Government of Ukraine, but are instead in the competence of, in particular, judicial authorities. The Government cannot violate the basic principles of the supremacy of law and of a State built on the rule of law, and put pressure upon the Court on these matters. There are no objective reasons to connect the said business conflicts with the bodies of executive power.

In Ukraine, there are legally recognized norms and procedures of the appeals process concerning various decisions, particularly those related to the conduct of elections. They can be used by all interested parties to review or appeal the decisions cited in the statement.

We are convinced that freedom of the media and impartiality of the bodies of State power are important elements for the holding of transparent and democratic presidential elections in Ukraine on 31 October 2004. Ukraine reiterates its commitment to the European democratic norms and principles of the rule of law and will make, within the framework of the existing legislation, every possible effort to ensure that the media can cover all aspects of Ukraine's domestic life and foreign policy, including presidential elections, without any impediments.

We continue to carry out an open dialogue with the European Union and pay close attention to the expressed opinions on ensuring the freedom of the media and respect for democratic standards in Ukraine. This is of great importance for the implementation of a strategic course of the foreign policy of Ukraine — its integration with the European Union.

At the same time, as was noted by the President of Ukraine, we are disappointed with a certain tendentiousness and one-sidedness in the assessments of internal developments in Ukraine. The Ukrainian side is prepared to intensify its dialogue with the European Union at all levels to ensure a thorough consideration of the problems raised in the statement and elaboration of possible joint steps for their resolution, provided that it will not contradict Ukrainian legislation and principles of the rule of law.